



UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA
RIVERSIDE DIVISION

In re:

NEAL JOSEPH MITZEL,

Debtor.

Case No.: 6:23-bk-13207-WJ

CHAPTER 13

SCHEDULING ORDER

1 Commencing in March of 2020, the outbreak of COVID-19, also known as the
2 coronavirus, spread throughout the country and the world. The federal courts closed that month
3 and, except for a brief period of time in the summer of 2020, remained closed until April of 2021.
4 During this period of time, the courts adapted and, in various ways, employed remote technology.

5 In particular, the court has used video technology to conduct chapter 13 confirmation
6 hearings and status conferences. It appears this process has enhanced (considerably) the
7 convenience of these matters for the parties and the court. Therefore, the court intends to continue
8 conducting such matters by video for the foreseeable future.

9 However, for several reasons, video hearings should occur separately from other matters
10 not handled by video. In other words, the court avoids conducting video hearings at the same time
11 as in-person hearings. Video hearings should occur on separate days and at separate times.

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13 Therefore, the Court hereby ORDERS as follows:
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15 1. The status conference set for August 23, 2023 at 2:30 p.m. is hereby continued to
16 December 18, 2023 at 10:30 a.m. The confirmation hearing currently scheduled for September 6,
17 2023 at 2:00 p.m. is hereby continued to December 18, 2023 at 10:30 a.m. Counsel for the debtor
18 shall file and serve a notice of the continuance no later than July 31, 2023.

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20 2. The meeting of creditors is currently scheduled for August 23, 2023. No later than
21 fourteen days prior to this meeting of creditors (and all future meetings of creditors), the debtor
22 shall comply with LBR 3015-1(m) and file and serve the secured debt payment history declaration
23 required in this case. This topic is discussed in section III(L) on pages 32-35 of the procedures
24 order in this case which counsel for the debtor should review.

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26 3. If, after conducting the meeting of creditors, the trustee seeks dismissal of the case,
27 the trustee should file and serve a request to dismiss the case by August 25, 2023 either in the form
28 of (a) an objection to confirmation and a request to dismiss the case or (b) a motion to dismiss the

1 case. If the trustee does so, the deadline for the debtor to respond to any request by the trustee to
2 dismiss the case filed by August 25, 2023 (whether as an objection to confirmation and a request to
3 dismiss the case or a motion to dismiss the case) is September 1, 2023. Thereafter, the Court will
4 review the pleadings and, in most instances, rule on the motion.

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6 4. If the case is not dismissed after the meeting of creditors, then the following
7 procedures apply:

8 (a) The trustee or any other party may file a motion to dismiss at any time or
9 any other motions and the deadline for the debtor to respond to such motions shall be
10 governed by the local rules.

11 (b) If the debtor owns the current residence where the debtor lives, the debtor
12 should file (no later than November 27, 2023) a secured debt payment history declaration
13 demonstrating that the debtor has made all monthly post-petition mortgage payments from
14 the petition date through November 2023. If the debtor owns the residence but it is not
15 subject to any mortgage, the declaration can be very short (i.e. a sentence or two) that
16 simply states as much. If the debtor resides at property the debtor does not own, the debtor
17 should file (no later than November 27, 2023) a declaration demonstrating that the debtor
18 has made all monthly post-petition rent payments (with proof attached).¹

19 (c) If the trustee supports confirmation then, after the debtor files the required
20 pleading, the chapter 13 trustee should file, no later than December 4, 2023, a pleading
21 stating as much and attach a worksheet with the proposed terms of confirmation. If the
22 chapter 13 trustee does not support confirmation then, no later than December 4, 2023, the
23 trustee should file a motion requesting dismissal which states all grounds for dismissal and
24 includes a declaration in support of the motion. If the debtor has not made all post-petition
25 mortgage or rent payments for all post-petition months, the trustee normally requests
26 dismissal of the case. If, for any reason, the trustee does not do so, the proposed terms of

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28 ¹ With respect to rent payments, in nearly all instances, post-petition obligations of assumed executory
contracts or unexpired leases constitute administrative claims which must be paid in full pursuant to section 1322(a)(2).

1 confirmation must (a) include provisions to cure all post-petition arrearages (as well as any
2 pre-petition arrearage) and (b) provide for conduit payments for the monthly payments for
3 the rest of the case.

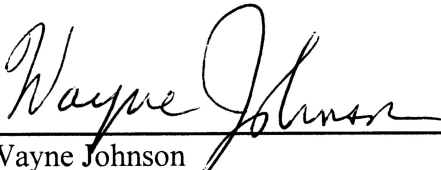
4 (d) The deadline for the debtor to respond to the trustee's pleading is
5 December 11, 2023. If the trustee seeks dismissal, the debtor should file an opposition brief
6 to the dismissal motion no later than December 11, 2023. If the trustee recommends
7 confirmation, the debtor should state whether the debtor agrees with the terms of
8 confirmation proposed by the trustee.

9 (e) The Court will review the pleadings and may issue a ruling without holding
10 hearings on December 18, 2023 that (i) continues the matter, (ii) dismisses the case or
11 (iii) grants other relief depending on various factors including, but not limited to, whether
12 or not an agreement exists regarding confirmation, and whether or not the debtor has timely
13 made payments and provided documents to the trustee during the case. If no order is
14 entered prior to December 18, 2023, all parties should check the Court's posted calendar the
15 day before December 18, 2023.

16 IT IS SO ORDERED.

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24 Date: August 7, 2023

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26 Wayne Johnson
27 United States Bankruptcy Judge
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